

ORDINANCE NO. 20080925-118

AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY LOCATED AT 2301 EAST RIVERSIDE DRIVE IN THE RIVERSIDE NEIGHBORHOOD PLAN AREA FROM LIMITED OFFICE-CONDITIONAL OVERLAY-NEIGHBORHOOD PLAN (LO-CO-NP) COMBINING DISTRICT AND NEIGHBORHOOD COMMERCIAL-MIXED USE-CONDITIONAL OVERLAY-NEIGHBORHOOD PLAN (LR-MU-CO-NP) COMBINING DISTRICT TO NEIGHBORHOOD COMMERCIAL-VERTICAL MIXED USE BUILDING-CONDITIONAL OVERLAY-NEIGHBORHOOD PLAN FOR TRACT ONE AND LIMITED OFFICE-CONDITIONAL OVERLAY-NEIGHBORHOOD PLAN (LO-CO-NP) COMBINING DISTRICT FOR TRACT TWO.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. The zoning map established by Section 25-2-191 of the City Code is amended to change the base districts on the property described in Zoning Case No. C14-2008-0149, on file at the Neighborhood Planning and Zoning Department, as follows:

Tract One: From neighborhood commercial-mixed use-conditional overlay-neighborhood plan (LR-MU-CO-NP) combining district to neighborhood commercial-vertical mixed use building-conditional overlay-neighborhood plan family residence (LR-V-CO-NP) combining district.

A 4.472 acre tract of land, more or less, out of the Santiago Del Valle Grant, Abstract No. 24, Travis County, the tract of land being more particularly described by metes and bounds in Exhibit "A" incorporated into this ordinance, Save and Except a 1.475 acre portion described below as Tract Two; and

Tract Two: From limited office-conditional overlay-neighborhood plan (LO-CO-NP) combining district to limited office-conditional overlay-neighborhood plan (LO-CO-NP) combining district.

A 1.475 acre tract of land, more or less, out of the Santiago Del Valle Grant, Abstract No. 24, Travis County, being a portion of the 4.472 tract of land identified in this ordinance as Tract One, the 1.475 acre tract being more particularly described by metes and bounds in Exhibit "B" incorporated into this ordinance,

(Tracts One and Two now referred to in this ordinance as the "Property"),

locally known as 2301 East Riverside Drive, in the City of Austin, Travis County, Texas, and generally identified in the map attached as Exhibit "C".

PART 2. Except as specifically provided in Part 3 and Part 4 of this ordinance, the Property may be developed and used in accordance with the regulations established for the respective base districts, and other applicable requirements of the City Code.

PART 3. The Property within the boundaries of the conditional overlay combining district established by this ordinance is subject to the following conditions:

- A. A site plan or building permit for the Property may not be approved, released, or issued, if the completed development or uses of the Property, considered cumulatively with all existing or previously authorized development and uses, generate traffic that exceeds 2,000 trips per day.
- B. A 50 foot wide building setback from the centerline of an unnamed tributary of Town Lake, commonly known as Willow Creek, shall be established on the Property.
- C. A food sales use and a multifamily residential use are prohibited uses of Tract One.

PART 4. The Property is subject to Ordinance No. 20061116-057 that established the Riverside neighborhood plan combining district.

PART 5. This ordinance takes effect on October 6, 2008.

PASSED AND APPROVED

_____, September 25, 2008 §
 § Will Wynn
 § Will Wynn
 Mayor

APPROVED: David Allan Smith **ATTEST:** Shirley A. Gentry for
 David Allan Smith Shirley A. Gentry
 City Attorney City Clerk

EXHIBIT A
FIELD NOTES

TRACTS 1 AND 2

Being 4.472 acres out of The Santiago Del Valle Grant, Abstract No. 24, in Travis County, Texas, the same tract described in a deed to Eddie Dean and Wife, Peggy Marks, recorded in Document No. 2001133392, Official Public records of Travis County, Texas, as shown on accompanying survey plat and being more particularly described as follows:

BEGINNING at a ½" iron pin found in the south line of Riverside Drive (R.O.W. varies), at the northwest corner of a tract called 9.733 acres in a deed to Collier Ranch Limited Partnership, recorded in Volume 13336, Page 764, Real Property Records, Travis County, Texas, for the northeast corner of this tract.

THENCE, with the west line of said 9.733 acre tract and the east line of this tract, S 30°17'00" W, said course being the bearing base for this survey, 962.49', to a ½" iron pin found in the north line of a 0.46 acre tract, the residue of that certain tract described in a deed to Willow Creek Hills, recorded in Volume 3691, Page 663, Deed Records, Travis County, Texas, at the southwest corner of said 9.733 acre tract, for the southeast corner of this tract

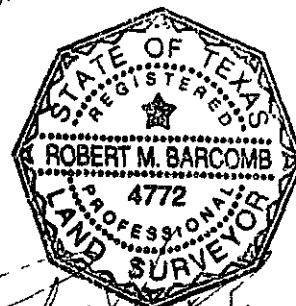
THENCE, with the north line of said 0.46 acre tract and the south line of this tract, N 59°43'00" W, 194.31', to a ½" iron pin set in the east line of Willow Creek Drive, (R.O.W. varies), at the northwest corner of said 0.46 acre tract, for the southwest corner of this tract.

THENCE, with the east line of Willow Creek Drive and the west line of this tract, N 30°10'51" E, 1045.09', to a ½" iron pin set at the beginning of a curve in the south line of Riverside Drive, for the northwest corner of this tract, from said point, a reference point in the west line of Willow Creek Drive bears, N 59°49'09" W, 65.00', and from said reference point, with the west line of Willow Creek Drive, a ½" iron pin found bears, S 30°10'51" W, passing at 24.71', a ½" iron pipe found, in all 384.60'

THENCE, with the curved south line of Riverside Drive and the north line of this tract, the following two (2) courses:

- 1) with said curve having a radius of 995.60', a chord which bears, S 28°14'00" E, 78.93', an arc distance of 78.95', to a ½" iron pin set at the end said curve;
- 2) S 41°55'00" E, 135.35', to the **PLACE OF BEGINNING**, and containing 4.472 acres of land, more or less.

Prepared from a survey made on the ground in September, 2001, by:
Arpenteurs Professional Surveying
8906 Wall Street, Suite 302
Austin, Texas 78754
(512) 832-1232
© 2006 All Rights Reserved



Robert M. Barcomb
R.P.L.S. No 4772

TRACT 2



SHIPPING ADDRESS
923 Loop 332
Liberty Hill Texas 78642

3DS, Inc.
Land Surveyors

GPS Services
Surveying • Topographic
Construction • Commercial • Boundaries

MAILING ADDRESS
PO Box 850
Liberty Hill, Texas 78612
(512) 515-5888
Fax (512) 515-5878
www.3DSinc.com

EXHIBIT "B"

FIELD NOTES

BEING A 1.475 ACRE TRACT OF LAND, OUT OF THE SANTIAGO DEL VALLE GRANT, AND BEING A PORTION OF THAT CERTAIN 4.46 ACRE TRACT OF LAND, IN DEED TO EDDIE DEAN MARKS AND PEGGY MARKS, AND DESCRIBED IN DOCUMENT NO. 2001133392, OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS, SAID 1.475 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS AND AS SHOWN ON THE ATTACHED SKETCH:

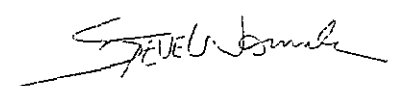
Beginning at a ½" iron rod found along the southeasterly right-of-way line of Willow Creek Drive, said point being the southwest corner of said 4.46 acre Marks tract, point also being a northwest corner of Willow Creek Section 1-B, a subdivision in Travis County, Texas, recorded in Volume 52, Page 18, of the Plat Records of Travis County, Texas, for the **Point of Beginning** of the herein described tract;

Thence N 30° 10' 51" E along the said southeasterly right-of-way line of Willow Creek Drive and along the northwest line of said 4.46 acre Marks tract for a distance of 330.48 feet to a point,

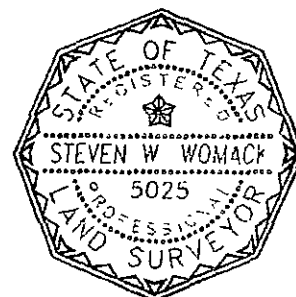
Thence S 59° 33' 58" E through the said 4 46 acre Marks tract for a distance of 194.90 feet to a point along the southeast line of said 4 46 acre Marks tract and being along the northwest line of that certain 9 733 acre tract, in deed to Collier Ranch Limited Partnership and described in Volume 13336, Page 764,

Thence S 30° 17' 00" W along the said the southeast line of said 4 46 acre Marks tract and along the northwest line of said 9 733 acre Collier Ranch Limited Partnership tract, for a distance of 329.97 feet to a point at the southeast corner of said 4.46 acre tract, said point being along the northeast line of said Willow Creek Section 1-B;

Thence N 59° 43' 00" W along the southwest line of said 4 46 acre Marks tract, and along the northeast line of said Willow Creek Section 1-B, for a distance of 194.31 feet to the **Point of Beginning**, and containing 1 475 acres of land, more or less

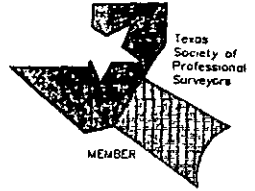

Steven W. Womack
Registered Professional Surveyor
No. 5025, State of Texas

08-29-06
Date



SURVEY SKETCH

BEING A 1.475 ACRE TRACT OF LAND, OUT OF THE SANTIAGO DEL VALLE GRANT, AND BEING A PORTION THAT CERTAIN 4.46 ACRE TRACT, IN DEED TO EDDIE DEAN AND PEGGY MARKS, DESCRIBED IN DOCUMENT NO 2001133392



0 50 100
APPROXIMATE
SCALE IN FEET

LEGEND
● IRON ROD FOUND
○ IRON ROD SET
() RECORD BEARING, DISTANCE



EXHIBIT "A"

DATE 08-29-06
DRAWN BY SGW
FILE NAME 44725

PROJ NO 06-202

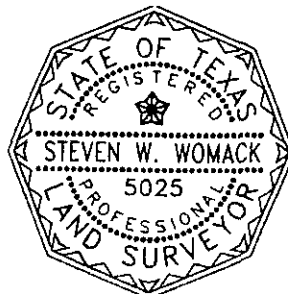
3DS
Land Surveyors

GPS Services
Subdivisions • Topographic
Construction • Commercial • Boundaries

THIS SURVEY WAS PREPARED FOR ZONING PURPOSES ONLY

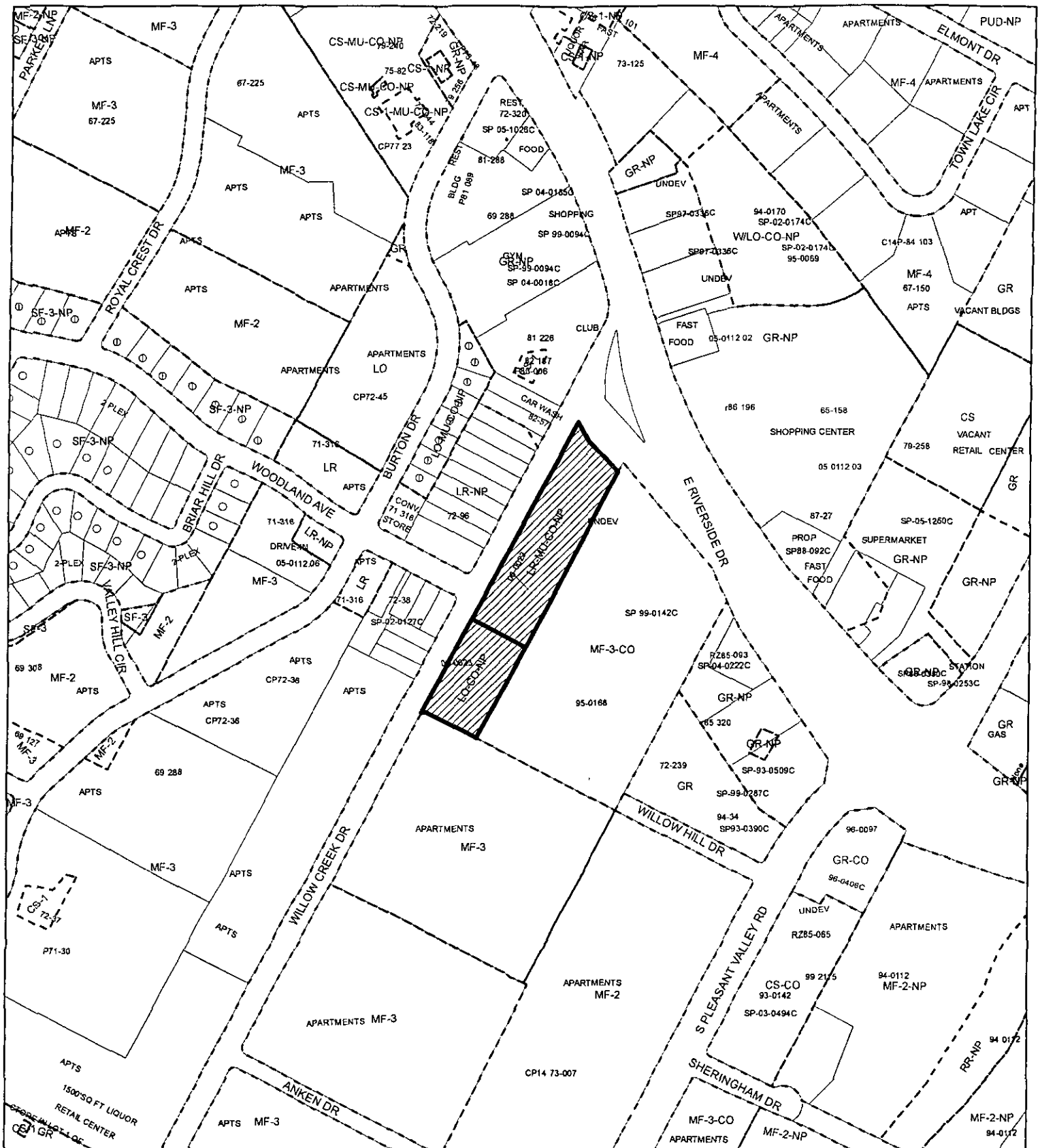
STEVE W. WOMACK
STEVE W. WOMACK
REGISTERED PROFESSIONAL SURVEYOR
NO 5025, STATE OF TEXAS

08-29-06
DATE



P.O. BOX 850
LIBERTY HILL, TX 78642
PH (512) 515-5888
FAX (512) 515-5878





ZONING EXHIBIT C



SUBJECT TRACT



ZONING BOUNDARY



PENDING CASE

ZONING CASE# C14-2008-0149
 ADDRESS 2301 E RIVERSIDE DR
 SUBJECT AREA 5.947 ACRES
 GRID K19
 MANAGER J. HARDEN

OPERATOR S. MEEKS



1" = 400'

This map has been produced by GIS Services for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.